

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:17-CR-073-RJC-DCK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEJANDRO CHAVEZ-LOPEZ,

Defendant.

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ORDER

THIS MATTER IS BEFORE THE COURT on Defendant's "Motion To Seal" (Document No. 144) filed on March 4, 2021. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion.

A party who seeks to seal any pleading must comply with the Local Rules of this Court. Local Civil Rule("LCvR") 6.1 provides in relevant part as follows:

LCvR. 6.1 SEALED FILINGS AND PUBLIC ACCESS.

(a) ***Scope of Rule.*** To further openness in civil case proceedings, there is a presumption under applicable common law and the First Amendment that materials filed in this Court will be filed unsealed. This Rule governs any party's request to seal, or otherwise restrict public access to, any materials filed with the Court or used in connection with judicial decision- making. As used in this Rule, "materials" includes pleadings and documents of any nature and in any medium or format.

(b) ***Filing under Seal.*** No materials may be filed under seal except by Court order, pursuant to a statute, or in accordance with a previously entered Rule 26(e) protective order.

(c) ***Motion to Seal or Otherwise Restrict Public Access.*** A party's request to file materials under seal must be made by formal motion, separate from the motion or other pleading sought to be

sealed, pursuant to LCvR 7.1. Such motion must be filed electronically under the designation “Motion to Seal.” The motion must set forth:

- (1) A non-confidential description of the material sought to be sealed;
- (2) A statement indicating why sealing is necessary and why there are no alternatives to filing under seal;
- (3) Unless permanent sealing is sought, a statement indicating how long the party seeks to have the material maintained under seal and how the matter is to be handled upon unsealing; and
- (4) Supporting statutes, case law, or other authority.

LCvR 6.1.

By the instant motion, it appears that Defendant seeks to file his “Supplemental Memorandum Of Law In Support Of Alejandro Chavez-Lopez’s Motion For Reduction Of His Sentence And Compassionate Release” (Document No. 143) and Exhibits (Document Nos. 143-1, 143-2, 143-3, 143-4, 143-5, 143-6, 143-7, 143-8, 143-9, 143-10) under seal. (Document No. 144). Defendant contends that this filing includes “confidential medical information” that should be sealed. Id.

The undersigned finds that Defendant’s motion fails to satisfy the requirements of Local Rule 6.1. Moreover, respectfully, the undersigned is not persuaded that all of Defendant’s approximately sixty-five (65) page filing contains “confidential medical information,” or other information, that should be sealed. It appears that there are alternatives to this filing being sealed in its entirety. See Local Rule 6.1(c)(2).

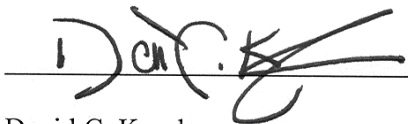
Having considered LCvR 6.1(c) and LCrR 49.1.1, and the record of this case, the Court will allow Document No. 143 and its Exhibits to be sealed; however, Defendant shall file a publicly available redacted version of these documents. Defendant may redact any of his confidential medical information included in these documents.

Noting that the time for public response has not run to this motion, the Court will consider any objection to this Order from non-parties as an objection to the motion, requiring no additional burden for any non-party under the Federal Rules of Civil Procedure. See LCvR 6.1(e).

IT IS, THEREFORE, ORDERED that Defendant's "Motion To Seal" (Document No. 144) is **GRANTED**. Document No. 143 and its attachments shall be **SEALED** and remain under **SEAL** until otherwise ordered by this Court.

IT IS FURTHER ORDERED that Defendant shall file a publicly available version of Document No. 143 and its attachments, redacted to the extent necessary, on or before **March 26, 2021**.

Signed: March 18, 2021



David C. Keesler
United States Magistrate Judge

